

## **IN THE CLAIMS**

Claim 1 (currently amended). A combined nutcracker and bottle opener, comprising:

first and second body members each having a first end portion and a second end portion opposite the first end portion, the first end portions being connected in overlapping relation for relative pivotal movement about a pivotal axis therethrough for allowing pivotally moving the second end portions between a substantially overlapping position and a range of angularly related positions about the pivotal axis, the second end portion of the second body member including a bottle opener which is at least substantially covered by the first body member when in the overlapping position and uncovered and useably positioned when the second end portions are in at least one of the angularly related positions; and

a pair of elongate legs having proximal end portions connected to and extending outwardly from the second end portions of the body members, respectively, the legs being positioned in generally parallel, side-by-side relation when the second end portions of the body members are in the overlapping relation and being correspondingly angularly related when the second end portions are in the angularly related positions, the legs having distal end portions opposite the proximal end portions thereof and elongate intermediate leg portions extending between the proximal and distal end portions, respectively, the intermediate leg portions adjacent the proximal ends of the legs having opposing portions adapted for receiving and holding a nut or a bottle cap therebetween such that the legs can be squeezed toward one another for applying a compressive force against the nut or bottle cap.

Claim 2 (original). The combined nutcracker and bottle opener of claim 1, wherein at least one of the opposing portions includes a concave surface adapted for receiving and cradling a portion of a nut or bottle cap.

Claim 3 (original). The combined nutcracker and bottle opener of claim 1, wherein the bottle opener comprises an edge at one end of a slot facing the distal end

portion of the second leg, the slot being adapted for receiving a circumferential side of a bottle cap such that the edge can contact a lower edge of the circumferential side as the second leg contacts an upper surface portion of the bottle cap for prying the bottle cap from a bottle.

Claim 4 (original). The combined nutcracker and bottle opener of claim 3, wherein the intermediate leg portion of the second leg comprises a concave portion adapted for receiving the upper surface portion of the bottle cap opposite the side received in the slot.

Claim 5 (original). The combined nutcracker and bottle opener of claim 1, wherein the first leg can be pivoted to a position oriented at from about a 100° to 300° angle to the parallel position so as to be urgeable against the second leg when the bottle opener is in engagement with a bottle cap on a bottle, for prying the bottle cap from the bottle.

Claim 6 (original). The combined nutcracker and bottle opener of claim 1, wherein at least one of the opposing portions of the legs include elements for conformingly holding a side edge of a bottle cap.

Claim 7 (currently amended). The combined nutcracker and bottle opener of claim 1, wherein the body ~~portions~~ members have a shape resembling a human lower torso and the legs each have a shape resembling a human leg.

Claim 8 (original). A combined nutcracker and bottle opener, comprising:  
a first elongate leg having a proximal end portion, a distal end portion opposite the proximal end portion, and an intermediate leg portion extending between the proximal and distal end portions, the proximal end portion having a front surface portion, a rear surface portion, and opposite side portions extending therebetween, one of the side portions including a sidewardly and longitudinally open slot therein;

a second elongate leg having a proximal end portion, an opposite distal end portion, and an intermediate leg portion extending therebetween, the proximal end portion of the second leg having a shape and size so as to be cooperatively received in the slot of the first leg and pivotally connected thereto for relative pivotal movement of the legs about a front to rear extending axis, between a position wherein the leg portions are generally parallel and a range of positions wherein the leg portions are angularly related;

the intermediate leg portions of the legs having opposing inner surface portions adjacent to the proximal ends of the legs adapted for receiving and holding a nut or a cap on a bottle therebetween such that the legs can be grasped and squeezed toward one another for applying a compressive force against the nut or cap for cracking the nut and twisting the cap relative to the bottle; and

the proximal end portion of the second leg including a bottle opener which is at least substantially concealed in the slot of the first leg when the legs are in the generally parallel closely spaced position and which is removed from the slot and in a usable position when the legs are pivoted one relative to the other to an angularly related open position.

Claim 9 (original). The combined nutcracker and bottle opener of claim 8, wherein at least one of the opposing inner surface portions includes a concave surface adapted for receiving and cradling a portion of a nut or cap.

Claim 10 (original). The combined nutcracker and bottle opener of claim 8, wherein the bottle opener comprises a slot facing the distal end portion of the second leg adapted for receiving a portion of a circumferential side of a bottle cap such that the second leg can be brought into contact with a top portion of the bottle cap adjacent an opposite side thereof, and an edge adjacent to the slot that can contact and apply a force against the bottle cap for prying the cap from a bottle as the second leg is brought into contact with and biased against the top portion of the bottle cap.

Claim 11 (original). The combined nutcracker and bottle opener of claim 10, wherein the intermediate leg portion of the second leg comprises a concave portion

adapted for receiving the top portion of the bottle cap opposite the side received in the slot.

Claim 12 (original). The combined nutcracker and bottle opener of claim 8, wherein the first leg can be pivoted to a position oriented at from about a 100° to about a 300° angle to the parallel position so as to be capable of contacting and applying the biasing force against the second leg.

Claim 13 (original). The combined nutcracker and bottle opener of claim 8, wherein the opposing inner surface portions of the legs each include a concave portion adapted for receiving and holding a portion of a side edge of a bottle cap to enable twisting the bottle cap from a bottle on which it is located.

Claim 14 (original). A combined nutcracker and bottle opener, comprising:

a first elongate leg having a proximal end portion, a distal end portion opposite the proximal end portion, and an intermediate leg portion extending between the proximal and distal end portions, the proximal end portion having a front surface portion, a rear surface portion, and opposite side portions extending therebetween, one of the side portions including a sidewardly and longitudinally open cavity therein;

a second elongate leg having a proximal end portion, an opposite distal end portion, and an intermediate leg portion extending therebetween, the proximal end portion of the second leg being cooperatively received in the cavity of the first leg and pivotally connected thereto for relative pivotal movement of the legs generally on a plane through the side portions of the proximal end of the first leg between a position wherein the legs are at least generally parallel and a range of positions wherein the legs are angularly related, the proximal end portion of the second leg including a bottle opener which is located at least substantially within the cavity of the first leg when generally parallel with the second leg and exposed when the legs are angularly related;

the intermediate leg portions of the legs having opposing inner surface portions including opposing surface portions adjacent the proximal ends of the legs

adapted for receiving and holding a nut or a bottle cap therebetween such that the legs can be squeezed toward one another for applying a sufficient compressive force against the nut for cracking the nut and for holding the bottle cap for twisting from a bottle.

Claim 15 (original). The combined nutcracker and bottle opener of claim 14, wherein at least one of the opposing surface portions adjacent the proximal ends of the legs includes a concave surface portion adapted for receiving and holding a portion of a nut or a bottle cap.

Claim 16 (original). The combined nutcracker and bottle opener of claim 14, wherein the portion of at least one of the opposing inner surface portions adapted for holding a bottle cap includes a layer of a rubbery material for engaging and gripping a serrated edge portion of a bottle cap.

Claim 17 (original). The combined nutcracker and bottle opener of claim 14, wherein the portion of at least one of the opposing inner surface portions adapted for holding a bottle cap includes a longitudinally extending groove for holding an edge portion of a bottle cap.

Claim 18 (original). The combined nutcracker and bottle opener of claim 14, wherein the portions of the opposing inner surface portions for holding a bottle cap are located adjacent to the distal ends of the legs.

Claim 19 (original). The combined nutcracker and bottle opener of claim 14, wherein the bottle opener comprises a protruding edge spaced from the inner surface of the second leg so as to define a slot therebetween facing the distal end portion of the second leg, the slot being sufficiently wide for receiving a circumferential side portion of a bottle cap such that the protruding edge will be positioned to engage a circumferential edge of the bottle cap for prying the cap from a bottle when the second leg is brought into biased contact with an upper surface the cap spaced from the circumferential side portion.

Claim 20 (cancelled).